

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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M.V.B. COLLISION INC. d/b/a MID ISLAND
COLLISION,

Plaintiff,

-against-

ALLSTATE INSURANCE COMPANY,

Defendant.
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ORDER

21-CV-1048 (DRH)(AYS)

Plaintiff M.V.B. Collision Inc. ("Plaintiff" or "MVB") commenced this action against defendant Allstate Insurance Company ("Defendant" or "Allstate") asserting only claims under New York State law and basing subject matter jurisdiction on diversity of citizenship.

According to the complaint, Plaintiff is a New York State corporation with a principal place of business in Rockville Center, New York. The allegations as to Allstate are that it is (1) a domestic corporation authorized and existing under and by virtue of the laws of the State of New York (Comp. ¶ 9); (2) a foreign corporation duly authorized to do business in the State of New York (Comp. ¶ 10); (3) an incorporated business entity doing business under and pursuant to the Laws of the State of New York (Comp. 10); and (4) a mutual company doing business under and pursuant to the Laws of the State of New York (Comp. ¶ 11). While the complaint references Allstate maintaining an office in New York (Compl. ¶ 15), it contains no allegations as to where Allstate maintains a principal place of business.

The foregoing allegations are utterly insufficient to support diversity jurisdiction. Indeed, given the allegations that both plaintiff and defendant are New York corporations, diversity of citizenship does not exist. Accordingly,

IT IS HEREBY ORDERED THAT this action is dismissed for lack of subject matter jurisdiction. The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York
March 24, 2022

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge